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As of: November 16, 2010 (2:27pm)

EXHIBIT 2
DATE 12/6/10
HB LC 9003

**** House Resolution No. ****

Introduced By *****

By Request of the *****

A Resolution of the House of Representatives of the State of
Montana adopting the House rules.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF
THE STATE OF MONTANA:

That the following ~~rules~~ House Rules be adopted:

**RULES OF THE MONTANA
HOUSE OF REPRESENTATIVES**

CHAPTER 1

Administration

H10-10. House officers -- definitions. (1) House officers
include a Speaker, a Speaker pro tempore, majority and minority
leaders, and majority and minority whips (section 5-2-221, MCA).

(2) A majority of representatives voting elects the Speaker
and Speaker pro tempore from the House membership. A majority of
each caucus voting nominates House members to the remaining
offices, and those nominees are considered to have been elected
by a majority vote of the House.

(3) (a) "Majority leader" means the leader of the majority

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1 (section 5-11-201, MCA), subpoenas, and payrolls.

2 (5) The Speaker shall arrange the agendas for second and
3 third readings each legislative day. Representatives may amend
4 the agendas as provided in H40-130.

5 (6) The Speaker is the chief officer of the House, with
6 authority for all House employees.

7 (7) The Speaker may name any member to perform the duties
8 of the chair. If the House is not in session and the Speaker pro
9 tempore is not available, the Speaker shall name a member who
10 shall call the House to order and preside during the Speaker's
11 absence.

12 (8) Upon request of the Minority Leader, the Speaker will
13 submit a request for a fiscal note on any bill.

14 **H10-30. Speaker-elect.** During the transition period between
15 the party organization caucuses and the election of House
16 officers, the Speaker-elect has the responsibilities and
17 authority appropriate to organize the House (section 5-2-202,
18 MCA). Authority includes approving presession expenditures.

19 **H10-40. Speaker pro tempore duties.** The Speaker pro tempore
20 shall, in the absence or inability of the Speaker, call the House
21 to order and perform all other duties of the chair in presiding
22 over the deliberations of the House and shall perform other
23 duties and exercise other responsibilities as may be assigned by
24 the Speaker.

25 **H10-50. Majority Leader.** The primary functions of the
26 majority leader usually relate to floor duties. The duties of the
27 majority leader may include but are not limited to:

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1 (1) being the lead speaker for the majority party during
2 floor debates;

3 (2) helping the Speaker develop the calendar;

4 (3) assisting the Speaker with program development, policy
5 formation, and policy decisions; and

6 (4) presiding over the majority caucus meetings; and

7 (5) other duties as assigned by the caucus.

8 **H10-60. Majority Whip.** The duties of the majority whip may
9 include but are not limited to:

10 (1) assisting the majority leader;

11 (2) ensuring member attendance;

12 (3) counting votes;

13 (4) generally communicating the majority position; and

14 (5) other duties as assigned by the caucus.

15 **H10-70. Minority Leader.** The minority leader is the
16 principal leader of the minority caucus. The duties of the
17 minority leader may include but are not limited to:

18 (1) developing the minority position;

19 (2) negotiating with the majority party;

20 (3) directing minority caucus activities on the chamber
21 floor;

22 (4) leading debate for the minority; and

23 (5) other duties as assigned by the caucus.

24 **H10-80. Minority Whip.** The major responsibilities for the
25 minority whip may include but are not limited to:

26 (1) assisting the minority leader on the floor;

27 (2) counting votes;

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1 (3) ensuring attendance of minority party members; and

2 (4) other duties as assigned by the caucus.

3 **H10-90. Employees.** (1) The Speaker shall appoint a Chief
4 Clerk and Sergeant-at-Arms and may appoint a Chaplain, subject to
5 confirmation of the House (section 5-2-221, MCA).

6 (2) The Speaker shall employ necessary staff or delegate
7 that function to the employees designated in subsection (1). ~~All~~
8 ~~House staff hired to date will be retained.~~

9 (3) The secretary for a standing or select committee is
10 generally responsible to the committee chair but shall work under
11 the direction of the Chief Clerk.

12 (4) The Speaker and majority and minority leaders may each
13 appoint a private secretary.

14 **H10-100. Chief Clerk's duties.** The Chief Clerk, under the
15 supervision of the Speaker, is the chief administrative officer
16 of the House and is responsible to:

17 (1) supervise all House employees;

18 (2) have custody of all records and documents of the House;

19 (3) supervise the handling of legislation in the House, the
20 House journal, and other House publications; deliver to the
21 Secretary of State at the close of each session the House
22 journal, bill and resolution records, and all original House
23 bills and joint resolutions; collect minutes and exhibits from
24 all House committees and subcommittees and arrange to have them
25 printed on archival paper and copied in an electronic format
26 within a reasonable time after each meeting. An electronic copy
27 will be provided to the Legislative Services Division and the

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1 State Law Library of Montana. The archival paper copy will be
2 delivered to the Montana Historical Society.

3 **H10-110. Duties of Sergeant-at-Arms.** The Sergeant-at-Arms
4 shall:

5 (1) under the direction of the Speaker and the Chief Clerk,
6 have charge of and maintain order in the House, its lobbies,
7 galleries, and hallways and all other rooms in the Capitol
8 assigned for the use of the House;

9 (2) be present whenever the House is in session and at any
10 other time as directed by the presiding officer;

11 (3) execute the commands of the House and serve the writs
12 and processes issued by the authority of the House and directed
13 by the Speaker;

14 (4) supervise assistants to the Sergeant-at-Arms, who shall
15 aid in the performance of prescribed duties and who have the same
16 authority, subject to the control of the Speaker;

17 (5) clear the floor and anteroom of the House of all
18 persons not entitled to the privileges of the floor prior to the
19 convening of each session of the House;

20 (6) bring in absent members when so directed under a call
21 of the House;

22 (7) enforce the distribution of any printed matter in the
23 House chambers and anteroom in accordance with H20-70;

24 (8) enforce parking regulations applicable to areas of the
25 Capitol complex under the control of the House;

26 (9) supervise the doorkeeper; and

27 (10) supervise the pages.

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1 **H10-120. Legislative aides.** (1) A legislative aide is a
2 person specifically designated by a representative to assist that
3 representative in performing legislative duties. A representative
4 may sponsor one legislative aide a session by written
5 notification to the Sergeant-at-Arms.

6 (2) No representative may designate a second legislative
7 aide in the same session without the approval of the House Rules
8 Committee.

9 (3) A legislative aide must be of legal age unless
10 otherwise approved by the House Rules Committee.

11 (4) The Sergeant-at-Arms shall issue distinctive
12 identification tags to legislative aides. The cost must be paid
13 by the sponsoring representative.

14 **H10-130. Legislative interns.** A legislative intern is a
15 person designated under Title 5, chapter 6, MCA.

16 **H10-140. House journal.** (1) The House shall keep a journal,
17 which is the official record of House actions (Montana
18 Constitution, Art. V, Sec. 10). The journal must be prepared
19 under the direction of the Speaker.

20 (2) Records of the following proceedings must be entered on
21 the journal:

22 (a) the taking and subscription of the constitutional oath
23 by representatives (Montana Constitution, Art. III, Sec. 3;
24 5-2-214);

25 (b) committee reports;

26 (c) messages from the Governor;

27 (d) messages from the Senate;

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1 (e) every motion, the name of the representative presenting
2 it, and its disposition;

3 (f) the introduction of legislation in the House;

4 (g) consideration of legislation subsequent to
5 introduction;

6 (h) on final passage of legislation, the names of the
7 representatives and their vote on the question (Montana
8 Constitution, Art. V, Sec. 11);

9 (i) roll call votes; and

10 (j) upon a request by two representatives before a vote is
11 taken, the names of the representatives and their votes on the
12 question.

13 (3) The Chief Clerk shall provide to the Legislative
14 Services Division such information as may be required for the
15 publication of the daily journal.

16 (4) Any representative may examine the daily journal and
17 propose corrections. The Speaker may direct a correction to be
18 made when suggested subject to objection by the House.

19 (5) The Speaker shall authenticate the House journal after
20 the close of the session (section 5-11-201, MCA).

21 (6) The Legislative Services Division shall publish and
22 distribute the House journal (sections 5-11-202 and 5-11-203,
23 MCA). The title of each bill must be listed in the index of the
24 published session journal.

25 **H10-150. Votes recorded and public.** Every vote of each
26 representative on each substantive question in the House, in any
27 committee, or in Committee of the Whole must be recorded and made

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1 public (Montana Constitution, Art. V, Sec. 11).

2 **H10-160. Duration of legislative day.** A legislative day ends
3 either 24 hours after the House convenes for that day or at the
4 time the House convenes for the following legislative day,
5 whichever is earlier. (See Joint Rule 10-20.)

6 CHAPTER 2

7 Decorum

8 **H20-10. Addressing the House -- recognition.** (1) When a
9 member desires to speak to or address any matter to the House,
10 the member should rise and respectfully address the Speaker or
11 the presiding officer.

12 (2) The Speaker or presiding officer may ask, "For what
13 purpose does the member rise?" or "For what purpose does the
14 member seek recognition?" and may then decide if recognition is
15 to be granted. There is no appeal from the Speaker's or
16 presiding officer's decision.

17 **H20-20. Questions of order and privilege -- appeal --**
18 **restrictions.** (1) The Speaker shall decide all questions of order
19 and privilege, subject to an appeal by any representative
20 seconded by two representatives. The question on appeal is,
21 "Shall the decision of the chairman be sustained?".

22 (2) Responses to parliamentary inquiries and decisions of
23 recognition may not be appealed.

24 (3) Questions of order and privilege, in order of
25 precedence, are:

26 (a) those affecting the collective rights, safety, dignity,
27 and integrity of the House; and

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1 (b) those affecting the rights, reputation, and conduct of
2 individual representatives.

3 (4) A member may not address the House on a question of
4 privilege between the time:

5 (a) an undebatable motion is offered and the vote is taken
6 on the motion;

7 (b) the previous question is ordered and the vote is taken
8 on the proposition included under the previous question; or

9 (c) a motion to lay on the table is offered and the vote is
10 taken on the motion.

11 **H20-30. Limits on lobbying.** Lobbying on the House floor and
12 in the anteroom is prohibited during a daily session, 2 hours
13 before the session, and 2 hours after the session.

14 **H20-40. Admittance to the House floor.** (1) The following
15 persons may be admitted to the House floor during a daily
16 session: present and former legislators; legislative employees
17 necessary for the conduct of the session; ~~accredited news staff~~
18 registered media representatives; and members' spouses and
19 children. The Speaker may allow exceptions to this rule.

20 (2) Only a member may sit in a member's chair when the
21 House is in session.

22 **H20-50. Dilatory motions or questions -- appeal.** The House
23 has a right to protect itself from dilatory motions or questions
24 used for the purpose of delaying or obstructing business. The
25 presiding officer shall decide if motions (except a call of the
26 House) or questions are dilatory. This decision may be appealed
27 to the House.

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1 **H20-60. Lobbying by employees -- sanctions.** (1) A
2 legislative employee, intern, or aide of either house is
3 prohibited from lobbying, although a legislative committee may
4 request testimony from a person so restricted.

5 (2) The Speaker may discipline or discharge any House
6 employee violating this prohibition. The Speaker may withdraw the
7 privileges of any House aide or intern violating this
8 prohibition.

9 **H20-70. Papers distributed on desks -- exception.** A paper
10 concerning proposed legislation may not be placed on
11 representatives' desks unless it is authorized by a member and
12 permission has been granted by the Speaker. The Sergeant-at-Arms
13 shall direct its distribution. This restriction does not apply to
14 material prepared by staff and placed on a representative's desk
15 at the request of the representative.

16 **H20-80. Violation of rules -- procedure -- appeal.** (1) If a
17 member, in speaking or otherwise, violates the rules of the
18 House, the Speaker shall, or the majority or minority leader may,
19 call the member to order, in which case the member called to
20 order must be seated immediately.

21 (2) The member called to order may move for an appeal to
22 the House and if the motion is seconded by two members, the
23 matter must be submitted to the House for determination by
24 majority vote. The motion is nondebatable.

25 (3) If the decision of the House is in favor of the member
26 called to order, the member may proceed. If the decision is
27 against the member, the member may not proceed.

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1 (4) If a member is called to order, the matter may be
2 referred to the Rules Committee by the majority or minority
3 leader. The Committee may recommend to the House that the member
4 be censured or be subject to other action. The House shall act
5 upon the recommendation of the Committee.

6 CHAPTER 3

7 Committees

8 H30-10. House standing committees -- appointments --
9 **classification.** (1) ~~Each standing committee must be composed of~~
10 ~~an equal number of members of each political party.~~ The Speaker
11 shall determine the total number of members and after good faith
12 consultation with the minority leader shall appoint the members
13 to the standing committees. With the exception of members
14 serving in leadership and members serving on the Appropriations
15 Committee, each member must be appointed to a class 1 committee
16 and to a class 2 or class 3 committee unless the member requests
17 to not be appointed to a second committee.

18 (2) The standing committees of the House are as follows:

19 (a) class one committees:

20 (i) Appropriations;

21 (ii) Business and Labor;

22 (iii) Judiciary;

23 (iv) State Administration; and

24 (v) Taxation;

25 (b) class two committees:

26 (i) Education;

27 (ii) federal Relations, Energy, and Telecommunications;

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- (iii) Human Services;
- (iv) Natural Resources; and
- (v) Transportation;
- (c) class three committees:
 - (i) Agriculture;
 - (ii) Fish, Wildlife, and Parks; and
 - (iii) Local Government; and
- (d) on call committees:
 - (i) Ethics;
 - (ii) Rules; and
 - (iii) Legislative Administration.

(3) A class 1 committee is scheduled to meet Monday through Friday. A class 2 committee is scheduled to meet Monday, Wednesday, and Friday. A class 3 committee is scheduled to meet Tuesday and Thursday. Unless a class is prescribed for a committee, it meets upon the call of the chair.

(4) The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's recommendations must be submitted to the leadership nominated or elected at the presession caucus provided for in 5-2-201.

~~(5) (a) The Democrats will chair the following standing committees: Agriculture, Appropriations, Business and Labor, Education, Fish, Wildlife, and Parks, Federal Relations, Energy, and Telecommunications, Human Services, and Rules.~~

~~(b) The Republicans will chair the following standing~~

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1 ~~committees: Ethics, Judiciary, Legislative Administration, Local~~
2 ~~Government, Natural Resources, State Administration, Taxation,~~
3 ~~and Transportation.~~

4 ~~(c) The Speaker shall appoint the Democratic committee~~
5 ~~chairmen and vice chairmen and the minority leader, in~~
6 ~~consultation with the Speaker, shall appoint the Republican~~
7 ~~committee chairmen and vice chairmen. The power to remove a~~
8 ~~chairman, vice chairman, or member from a committee resides in~~
9 ~~the Speaker for Democratic members and with the minority leader~~
10 ~~for Republican members.~~

11 ~~(6)~~ (5) There will be six subcommittees of the Committee on
12 Appropriations. ~~The Democrats will chair the subcommittees on~~
13 Education, General Government and Transportation, Health and
14 Human Services, and Natural Resources, ~~The Republicans will chair~~
15 ~~the subcommittees on Corrections, and Long-Range Planning. Each~~
16 member serving on the Appropriations Committee must be appointed
17 to one of the subcommittees.

18 ~~(7)~~ (6) The Speaker shall give notice of each appointment to
19 the Chief Clerk for publication.

20 ~~(8)~~ (7) The Speaker may, in the Speaker's discretion or as
21 authorized by the House, create and appoint select committees,
22 designating the chairman and vice chairman of the select
23 committee. Select committees may request or receive legislation
24 in the same manner as a standing committee and are subject to the
25 rules of standing committees.

26 **H30-20. Chairman's duties.** (1) The principal duties of
27 the chairman of standing or select committees are to:

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1 (a) preside over meetings of the committee and to put all
2 questions;

3 (b) maintain order and decide all questions of order
4 subject to appeal to the committee;

5 (c) supervise and direct staff of the committee;

6 (d) have the committee secretary keep the official record
7 of the minutes;

8 (e) sign reports of the committee and submit them promptly
9 to the Chief Clerk;

10 (f) appoint subcommittees to perform on a formal or an
11 informal basis as provided in subsection (2); and

12 (g) inform the Speaker of committee activity.

13 (2) With the exception of the House Appropriations
14 subcommittees, a subcommittee of a standing committee may be
15 appointed by the chairman of the committee. A subcommittee must
16 be composed of an equal number of members from each political
17 party. The chairman of the standing committee shall appoint the
18 chairman of the subcommittee.

19 **H30-30. Quorum -- officers as members.** (1) A quorum of a
20 committee is a majority of the members of the committee. A
21 quorum of a committee must be present at a meeting to act
22 officially. A quorum of a committee may transact business, and a
23 majority of the quorum, even though it is a minority of the
24 committee, is sufficient for committee action.

25 (2) The Speaker, the majority leader, and the minority
26 leader are ex officio, nonvoting members of all House committees.
27 They may count toward establishing a quorum.

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H30-40. Meetings -- purpose -- notice -- minutes. (1) All

meetings of committees must be open to the public at all times, subject always to the power and authority of the chairman to maintain safety, order, and decorum. The date, time, and place of committee meetings must be posted.

(2) A committee or subcommittee may be assembled for:

(a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;

(b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or

(c) a work session at which the committee may discuss bills, resolutions, or other matters but take no formal action.

(3) All committees meet at the call of the chairman or upon the request of a majority of the members of the committee directed to and with the approval of the Speaker.

(4) All committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are encouraged to provide at least 3 legislative days notice to members of committees and the general public. However, a meeting may be held upon notice appropriate to the circumstances.

(5) A committee may not meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting must be considered excused to attend business of

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1 the House subject to a call of the House.

2 (6) All meetings of committees must be recorded and the
3 minutes must be available to the public within a reasonable time
4 after the meeting. The official record must contain at least the
5 following information:

- 6 (a) the time and place of each meeting of the committee;
7 (b) committee members present, excused, or absent;
8 (c) the names and addresses of persons appearing before the
9 committee, whom each represents, and whether the person is a
10 proponent, opponent, or other witness;
11 (d) all motions and their disposition;
12 (e) the results of all votes;
13 (f) references to the recording log, sufficient to serve as
14 an index to the original recording; and
15 (g) testimony and exhibits submitted in writing.

16 **H30-50. Procedures -- absentee or proxy voting -- member**
17 **privileges.** (1) The chairman shall notify the sponsor of any
18 bill pending before the committee of the time and place it will
19 be considered.

20 (2) A standing or select committee may not take up referred
21 legislation unless the sponsor or one of the cosponsors is
22 present or unless the sponsor has given written consent. The
23 chairman shall attempt to not schedule Senate bills while the
24 Senate is in session.

25 (3) The committee shall act on each bill in its possession:

- 26 (a) by reporting the bill out of the committee:
27 (i) with the recommendation that it be referred to another

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1 committee;

2 (ii) favorably as to passage; or

3 (iii) unfavorably; or

4 (b) by tabling the measure in committee.

5 (4) The committee may not report a bill to the House
6 without recommendation.

7 (5) The committee may recommend that a bill on which it has
8 made a favorable recommendation by unanimous vote be placed on
9 the consent calendar. A tie vote in a standing committee on the
10 question of a recommendation to the whole House on a matter
11 before the committee, for example on a question of whether a bill
12 is recommended as "do pass" or "do not pass", does not result in
13 the matter passing out to the whole House for consideration
14 without recommendation.

15 (6) In reporting a measure out of committee, a committee
16 shall include in its report:

17 (a) the measure in the form reported out;

18 (b) the recommendation of the committee;

19 (c) an identification of all substantive changes; and

20 (d) a fiscal note, if required.

21 (7) If a measure is withdrawn from a committee and brought
22 to the House floor for debate on second reading on that day
23 without a committee recommendation, the bill does not include
24 amendments formally adopted by the committee because committee
25 amendments are merely recommendations to the House that are
26 formally adopted when the committee report is accepted by the
27 House.

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1 (8) A second to any motion offered in a committee is not
2 required in order for the motion to be considered by the
3 committee.

4 (9) The vote of each member on all committee actions must
5 be recorded. All motions may be adopted only on the affirmative
6 vote of a majority of the members voting. Standing and select
7 committees may by a majority vote of the committee authorize
8 members to vote in absentia while engaged in other legislative
9 business. Authorization for absentee or proxy voting must be
10 reflected in the committee minutes.

11 (10) A motion to take a bill from the table may be adopted
12 by the affirmative vote of a majority of the members present at
13 any meeting of the committee.

14 (11) An action formally taken by a committee may not be
15 altered in the committee except by reconsideration and further
16 formal action of the committee.

17 (12) A committee may reconsider any action as long as the
18 matter remains in the possession of the committee. A committee
19 member need not have voted with the prevailing side in order to
20 move reconsideration.

21 (13) Any legislation requested by a committee requires
22 three-fourths of all members of the committee to vote in favor of
23 the question to allow the committee to request the drafting or
24 introduction of legislation. Votes requesting drafting and
25 introduction of committee legislation may be taken jointly or
26 separately.

27 (14) The chairman shall decide points of order.

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1 (15) The privileges of committee members include the
2 following:

3 (a) to participate freely in committee discussions and
4 debate;

5 (b) to offer motions;

6 (c) to assert points of order and privilege;

7 (d) to question witnesses upon recognition by the chairman;

8 (e) to offer any amendment to any bill; and

9 (f) to vote, either by being present or by proxy if
10 authorized pursuant to subsection (9), using a standard form or
11 through the vice chairman or minority vice chairman.

12 (16) Any meeting of a committee held through the use of
13 telephone or other electronic communication must be conducted in
14 accordance with Chapter 3 of the House Rules.

15 (17) A committee may consolidate into one bill any two or
16 more related bills referred to it whenever legislation may be
17 simplified by the consolidation.

18 (18) Committee procedure must be informal, but when any
19 questions arise on committee procedure, the rules or practices of
20 the House are applicable except as stated in the House Rules.

21 **H30-60. Public testimony -- decorum -- time restrictions.**

22 (1) Testimony from proponents, opponents, and informational
23 witnesses must be allowed on every bill or resolution before a
24 standing or select committee. All persons, other than the
25 sponsor, offering testimony shall register on the committee
26 witness list.

27 (2) Any person wishing to offer testimony to a committee

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1 hearing a bill or resolution must be given a reasonable
2 opportunity to do so, orally or in writing. Written testimony
3 may not be required of any witness, but all witnesses must be
4 encouraged to submit a statement in writing for the committee's
5 official record.

6 (3) The chairman may order the committee room cleared of
7 visitors if there is disorderly conduct. During committee
8 meetings, visitors may not speak unless called upon by the
9 chairman. Restrictions on time available for testimony may be
10 announced.

11 (4) The number of people in a committee room may not exceed
12 the maximum posted by the State Fire Marshal. The chairman shall
13 maintain that limit.

14 (5) In any committee meeting, the use of cameras,
15 television, radio, or any form of telecommunication equipment is
16 allowed, but the chairman may designate the areas of the hearing
17 room from which the equipment must be operated. Cell phone use is
18 allowed only at the discretion of the chairman.

19 CHAPTER 4

20 Legislation

21 **H40-10. Introduction deadlines.** If a representative accepts
22 drafted legislation from the Legislative Services Division after
23 the deadline for preintroduction, the representative may not
24 introduce that legislation after 2 legislative days from the time
25 the bill was accepted from the Legislative Services Division.

26 **H40-20. House resolutions.** (1) A House resolution is used
27 to adopt or amend House rules, make recommendations on the

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1 districting and apportionment plan (Montana Constitution, Art. V,
2 Sec. 14), express the sentiment of the House, or assist House
3 operations.

4 (2) As to drafting, introduction, and referral, a House
5 resolution is treated as a bill. A House resolution may be
6 requested and introduced at any time. Final passage of a House
7 resolution is determined by the Committee of the Whole report. A
8 House resolution does not progress to third reading.

9 (3) The Chief Clerk shall transmit a copy of each passed
10 House resolution to the Senate and the Secretary of State.

11 **H40-30. Cosponsors.** (1) Prior to submitting legislation to
12 the Chief Clerk for introduction, the chief sponsor may add
13 representatives and senators as cosponsors by having them sign
14 the legislation.

15 (2) After legislation is submitted for introduction but
16 before the legislation returns from the first House committee,
17 the chief sponsor may add or remove cosponsors by filing a
18 cosponsor form with the Chief Clerk. This filing must be noted by
19 the Chief Clerk for the record on Order of Business No. 11.

20 **H40-40. Introduction -- receipt -- messages from Senate and**
21 **elected officials.** (1) During a session, proposed House
22 legislation may be introduced in the House by submitting it,
23 endorsed with the signature of a representative as chief sponsor,
24 to the Chief Clerk for introduction. Except for the first 15 bill
25 numbers that may be reserved for preintroduced legislation, in
26 each session of the Legislature, the proposed legislation must be
27 numbered consecutively by type in the order of receipt.

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1 Submission and numbering of properly endorsed legislation
2 constitutes introduction.

3 (2) Preintroduction of legislation prior to a session under
4 provisions of the joint rules constitutes introduction in the
5 House.

6 (3) Acknowledgment by the Chief Clerk of receipt of
7 legislation or other matters transmitted from the Senate for
8 consideration by the House constitutes introduction of the Senate
9 legislation in the House or receipt by the House for purposes of
10 applying time limits contained in the House rules. All
11 legislation may be referred to a committee prior to being read
12 across the rostrum as provided in H40-50.

13 (4) Acknowledgment by the Chief Clerk of receipt of
14 messages from the Senate or other elected officials constitutes
15 receipt by the House for purposes of any applicable time limit.
16 Senate legislation or messages received from the Senate or
17 elected officials are subject to all other rules.

18 **H40-50. First reading -- receipt of Senate legislation.**

19 Legislation properly introduced or received in the House must be
20 announced across the rostrum and public notice provided. This
21 announcement constitutes first reading, and no debate or motion
22 is in order except that a representative may question adherence
23 to rules. Acknowledgment by the Chief Clerk of receipt of
24 legislation transmitted from the Senate commences the time limit
25 for consideration of the legislation. All legislation received
26 by the House may be referred to a committee prior to being read
27 across the rostrum.

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1 **H40-60. One reading per day -- exception.** Except on the
2 final legislative day, legislation may receive no more than one
3 reading per legislative day. On the final legislative day,
4 legislation may receive more than one reading.

5 **H40-70. Referral.** (1) The Speaker shall refer to a House
6 committee, joint select committee, or joint special committee all
7 properly introduced House legislation and transmitted Senate
8 legislation in conformity to the committee jurisdiction.

9 (2) Legislation may not receive final passage and approval
10 unless it has been referred to a House committee, joint select
11 committee, or joint special committee.

12 **H40-80. Rereferral -- normal progression.** (1) Except as
13 provided in subsection (2), legislation that is in the possession
14 of the House and that has not been finally disposed of may be
15 rereferred to a House committee by House motion approved by not
16 less than three-fifths of the members present and voting.

17 (2) Legislation that is in the possession of the House and
18 that has been reported from a committee with a do pass or be
19 concurred in recommendation may be rereferred to a House
20 committee by a majority vote.

21 (3) The normal progress of legislation through the House
22 consists of the following steps in the order listed:
23 introduction; referral to a standing or select committee; a
24 report from the committee; second reading; and third reading.

25 **H40-90. Legislation withdrawn from committee.** Legislation
26 may be withdrawn from a House committee by House motion approved
27 by not less than three-fifths of the members present and voting.

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1 **H40-100. Standing committee reports -- requirement for**
2 **rejection of adverse committee report.** (1) A House standing
3 committee recommendation of "do pass" or "be concurred in" must
4 be announced across the rostrum and, if there is no objection to
5 form, is considered adopted.

6 (2) A recommendation of "do not pass" or "be not concurred
7 in" must be announced across the rostrum and, on the following
8 legislative day, may be debated and adopted or rejected on Order
9 of Business No. 2. A motion to reject an adverse committee report
10 must be approved by not less than three-fifths of the members
11 voting. Failure to adopt a motion to reject an adverse committee
12 report constitutes adoption of the report.

13 (3) If the House rejects an adverse committee report, the
14 bill progresses to second reading, as scheduled by the Speaker,
15 with any amendments recommended by the committee.

16 **H40-110. Consent calendar procedure.** (1) Noncontroversial
17 bills and simple and joint resolutions may be recommended for the
18 consent calendar by a standing committee and processed according
19 to the following provisions:

20 (a) To be eligible for the consent calendar, the
21 legislation must receive a unanimous vote by the members of the
22 standing committee in attendance (do pass, do pass as amended).
23 In addition, a motion must be made and passed unanimously to
24 place the legislation on the consent calendar and this action
25 reflected in the committee report. Appropriation or revenue
26 bills may not be recommended for the consent calendar.

27 (b) The legislation must then be sent to be processed and

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1 reproduced as a third reading version and specifically marked as
2 a "consent calendar" item.

3 (2) Other legislation may be placed on the consent calendar
4 by agreement between the Speaker and the minority leader
5 following a positive recommendation by a standing committee. The
6 legislation must be sent to be processed as a second reading
7 version but must be specifically announced and posted as a
8 "consent calendar" item.

9 (3) Legislation must be posted immediately (as soon as it
10 is received appropriately printed) on the consent calendar and
11 must remain there for 1 legislative day before consideration
12 under Order of Business No. 11, special orders of the day. At
13 that time, the presiding officer shall announce consideration of
14 the consent calendar and allow "reasonable time" for questions
15 and answers upon request. No debate is allowed.

16 (4) If any one representative submits a written objection
17 to the placement of legislation on the consent calendar, the
18 legislation must be removed from the consent calendar and added
19 to the regular second reading board.

20 (5) Consent calendar legislation will be considered on
21 Order of Business No. 8, third reading of bills, following the
22 regular third reading agenda, as separately noted on the agenda.

23 (6) Legislation on the consent calendar must be considered
24 individually with the roll call vote spread on the journal as the
25 final vote in the House.

26 (7) Legislation passed on the consent calendar must then be
27 transmitted to the Senate. Legislation must be appropriately

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1 printed prior to transmittal.

2 **H40-120. Legislation requiring other than a majority vote.**

3 Legislation that requires other than a majority vote for final
4 passage needs only a majority vote for any action that is taken
5 prior to third reading and that normally requires a majority
6 vote.

7 **H40-130. Amending House second and third reading agendas --**
8 **vote requirements.** (1) A majority of representatives present may
9 rearrange or remove legislation from either the second or third
10 reading agenda on that legislative day.

11 (2) Legislation may be added to the second or third reading
12 agenda on that legislative day on a motion approved by not less
13 than three-fifths of the members present and voting.

14 **H40-140. Second reading -- timing -- obverse vote on failed**
15 **motion -- status of amendments -- rejection of report --**
16 **segregation.** (1) Legislation returned or withdrawn from committee
17 may by motion must be placed on second reading unless otherwise
18 ordered by the House prior to the transmittal deadlines provided
19 for in JR40-200 that are applicable to each piece of legislation.

20 (2) The House shall form itself into a Committee of the
21 Whole to consider business on second reading. The Committee of
22 the Whole may debate legislation, attach amendments, and
23 recommend approval or disapproval of legislation.

24 (3) Except on the final legislative day, at least 1
25 legislative day must elapse between the time legislation is
26 reported from committee and the time it is considered on second
27 reading.

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1 (4) If a motion to recommend that a bill "do pass" or "be
2 concurred in" fails in the Committee of the Whole, the obverse,
3 i.e., a recommendation that the bill "do not pass" or "be not
4 concurred in", is considered to have passed. If a motion to
5 recommend that a bill "do not pass" or "be not concurred in"
6 fails in the Committee of the Whole, the obverse, i.e., a
7 recommendation that the bill "do pass" or "be concurred in", is
8 considered to have passed.

9 (5) An amendment attached to legislation by the Committee
10 of the Whole remains unless removed by further legislative
11 action.

12 (6) When the Committee of the Whole reports to the House,
13 the House shall adopt or reject the Committee of the Whole
14 report. If the House rejects the Committee of the Whole report,
15 the legislation remains on second reading, as amended by the
16 Committee of the Whole, unless the House orders otherwise.

17 (7) A representative may move to segregate legislation from
18 the Committee of the Whole report before the report is adopted.
19 Segregated legislation, as amended by the Committee of the Whole,
20 must be placed on second reading unless the House orders
21 otherwise. Amendments adopted by the Committee of the Whole on
22 segregated legislation remain adopted unless reconsidered
23 pursuant to H50-170 or unless the legislation is rereferred to a
24 committee.

25 **H40-150. Amendments in the Committee of the Whole -- timing**
26 **-- official records.** (1) All Committee of the Whole amendments
27 must be prepared by the Legislative Services Division and checked

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1 by the House amendments coordinator for format, style, clarity,
2 consistency, and other factors, in accordance with the most
3 recent Bill Drafting Manual published by the Legislative Services
4 Division, before the amendment may be accepted at the rostrum.
5 The amendment form must include the date and time the amendment
6 is submitted for that check.

7 (2) An amendment submitted to the rostrum for consideration
8 by the Committee of the Whole must be marked as checked by the
9 amendments coordinator and signed by a representative. Unless
10 the majority leader, the minority leader, and sponsor agree,
11 amendments must be printed and placed on the members' desks prior
12 to consideration.

13 (3) An amendment may not be proposed until the sponsor has
14 opened on a bill.

15 (4) A copy of every amendment rejected by the Committee of
16 the Whole must be kept as part of the official records.

17 (5) An amendment may not change the original purpose of the
18 bill.

19 **H40-160. Motions in the Committee of the Whole -- quorum**
20 **required.** (1) When the House resolves itself into a Committee of
21 the Whole, the only motions in order are to:

22 (a) ~~amend~~ recommend passage or nonpassage;

23 (b) recommend ~~passage or nonpassage~~ concurrence or
24 nonconcurrence (Senate amendments to House legislation);

25 (c) ~~recommend concurrence or nonconcurrence~~ amend;

26 (d) reconsider as provided in H50-170;

27 (e) pass consideration;

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1 (f) call for cloture;

2 (g) change the order in which legislation is placed on the
3 agenda; and

4 ~~(g)(h)~~ rise, rise and report, or rise and report progress
5 and beg leave to sit again; and

6 ~~(h) to change the order in which legislation is placed on~~
7 ~~the agenda.~~

8 (2) Subsections (1)(d) through ~~(1)(g)~~ (1)(f) and (1)(h) are
9 nondebatable but may be amended. Once a motion under subsection
10 (1)(a) or (1)(b) or ~~(1)(c)~~ is made, a contrary motion is not in
11 order.

12 (3) The motions listed in subsection (1) may be made in
13 descending order as listed.

14 ~~(3)(4)~~ If a quorum of representatives is not present during
15 second reading, the Committee of the Whole may not conduct
16 business on legislation and a motion for a call of the House
17 without a quorum is in order.

18 **H40-170. Limits on debate in the Committee of the Whole. (1)**
19 Except as provided in H40-180, a representative may not speak
20 more than once on the motion and may speak for no more than 5
21 minutes. The representative who makes the motion may speak a
22 second time for 5 minutes in order to close.

23 (2) After at least two proponents and two opponents have
24 spoken on a question and 30 minutes have elapsed, a motion to
25 call for cloture is in order. Approval by not less than
26 two-thirds of the members present and voting is required to
27 sustain a motion for cloture. Notwithstanding the passage of a

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1 motion to end debate, the sponsor of the motion on which debate
2 was ended may close.

3 (3) By previous agreement of the majority leader and the
4 minority leader:

5 (a) a lead proponent and a lead opponent may be granted
6 additional time to speak on a bill;

7 (b) a bill or resolution may be allocated a predetermined
8 amount of time for debate and number of speakers.

9 **H40-180. Special provisions for debate on the general**
10 **appropriations bill -- sections -- amendments.** (1) The
11 Appropriations Committee chairman, in presenting the bill, is not
12 subject to the 5-minute speaking limitation.

13 (2) Each appropriations subcommittee chairman shall fully
14 present the chairman's portion of the bill. A subcommittee
15 chairman is not subject to the 5-minute speaking limitation.

16 (3) After the presentation by the subcommittee chairman,
17 the respective section of the bill is open for debate, questions,
18 and amendments. A proposed amendment to the general
19 appropriations act may not be divided.

20 (4) An amendment that affects more than one section of the
21 bill must be offered when the first section affected is
22 considered.

23 (5) Following completion of the debate on each section,
24 that section is closed and may not be reopened except by majority
25 vote.

26 (6) If a member moves to reopen a section for amendment,
27 only the amendment of that member may be entertained. Another

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1 member wishing to amend the same section shall make a separate
2 motion to reopen the section.

3 (7) Debate on the motion to reopen a section is limited to
4 the question of reopening the section. The amendment itself may
5 not be debated at that time. This limitation does not prohibit
6 the member from explaining the amendment to be considered.

7 **H40-190. Engrossing.** (1) After legislation is passed on
8 second reading, it must be engrossed within 48 hours under the
9 direction of the Speaker. The Speaker may grant additional time
10 for engrossing.

11 (2) When the legislation that has passed second reading, as
12 amended, has been correctly engrossed, it must be placed on third
13 reading on the following legislative day. If the bill is not
14 amended, the bill must be sent to printing and must be placed on
15 third reading on the legislative day after receipt. On the final
16 legislative day, the correctly engrossed legislation may be
17 placed on third reading on the same legislative day. For the
18 purposes of this rule, "engrossing" means placing amendments in a
19 bill. (See Joint Rule 40-150.)

20 **H40-200. Third reading.** (1) All bills, joint resolutions,
21 and Senate amendments to House bills and joint resolutions
22 passing second reading must be placed on third reading the day
23 following the receipt of the engrossing or other appropriate
24 printing report.

25 (2) Legislation on third reading may not be amended or
26 debated.

27 (3) The Speaker shall state the question on legislation on

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1 third reading. If a majority of the representatives voting does
2 not approve the legislation, it fails to pass third reading.

3 **H40-210.** Senate legislation in the House. Senate legislation
4 properly transmitted to the House must be treated as House
5 legislation.

6 **H40-220. Senate amendments to House legislation.** (1) When
7 the Senate has properly returned House legislation with Senate
8 amendments, the House shall announce the amendments on Order of
9 Business No. 4, and the Speaker shall place them on second
10 reading for debate. The Speaker may rerefer House legislation
11 with Senate amendments to a committee for a hearing if the Senate
12 amendments constitute a significant change in the House
13 legislation. The second reading vote is limited to consideration
14 of the Senate amendments.

15 (2) If the House accepts Senate amendments, the House shall
16 place the final form of the legislation on third reading to
17 determine if the legislation, as amended, is passed or if the
18 required vote is obtained.

19 (3) If the House rejects the Senate amendments, the House
20 may request the Senate to recede from its amendments or may
21 direct appointment of a conference committee and request the
22 Senate to appoint a like committee.

23 ~~(4) Conference committees must be composed of an equal~~
24 ~~number of members from each political party. The members of~~
25 ~~conference committees must be appointed by the Speaker and the~~
26 ~~minority leader after good faith consultation. The Speaker and~~
27 ~~the minority leader shall appoint the members of their respective~~

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1 parties.

2 **H40-230. Conference committee reports.** (1) When a House
3 conference committee files a report, the report must be announced
4 under Order of Business No. 3. ~~A tie vote in a conference~~
5 ~~committee on the question of a recommendation to the whole House~~
6 ~~on a matter referred for a conference results in the matter~~
7 ~~passing out to the whole House for consideration without~~
8 ~~recommendation.~~

9 (2) The House may debate and adopt or reject the conference
10 committee report on second reading on any legislative day. The
11 House may reconsider its action in rejecting a conference
12 committee report under rules for reconsideration, H50-160.

13 (3) If both the House and the Senate adopt the same
14 conference committee report on legislation requiring more than a
15 majority vote for final passage, the House, following approval of
16 the conference committee report on third reading, shall place the
17 final form of the legislation on third reading to determine if
18 the required vote is obtained.

19 (4) If the House rejects a conference committee report, the
20 committee continues to exist unless dissolved by the Speaker or
21 by motion. The committee may file a subsequent report.

22 (5) A House conference committee may confer regarding
23 matters assigned to it with any Senate conference committee with
24 like jurisdiction and submit recommendations for consideration of
25 the House.

26 **H40-240. Enrolling.** (1) When House legislation has passed
27 both houses, it must be enrolled within 48 hours under the

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1 direction of the Speaker. The Speaker may grant additional time
2 for enrolling.

3 (2) The chief sponsor of the legislation shall examine the
4 enrolled legislation and, if it has no enrolling errors, shall,
5 within 1 legislative day, certify the legislation as correctly
6 enrolled.

7 (3) The correctly enrolled legislation must be delivered to
8 the Speaker, who shall sign the legislation.

9 (4) After the legislation has been reported correctly
10 enrolled but before it is signed, any representative may examine
11 the legislation. (See Joint Rule 40-160.)

12 **H40-250. Governor's amendments.** (1) When the Governor
13 returns a bill with recommended amendments, the House shall
14 announce the amendments under Order of Business No. 5.

15 (2) The House may debate and adopt or reject the Governor's
16 recommended amendments on second reading on any legislative day.

17 (3) If both the House and the Senate accept the Governor's
18 recommended amendments on a bill that requires more than a
19 majority vote for final passage, the House shall place the final
20 form of the legislation on third reading to determine if the
21 required vote is obtained.

22 **H40-260. Governor's veto.** (1) When the Governor returns a
23 bill with a veto, the House shall announce the veto under Order
24 of Business No. 5.

25 (2) On any legislative day, a representative may move to
26 override the Governor's veto by a two-thirds vote under Order of
27 Business No. 9.

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CHAPTER 5

Floor Actions

H50-10. Attendance -- excuse -- call of the House. (1) A representative, unless excused, is required to be present at every sitting of the House.

(2) A representative may request in writing to be excused for a specified cause by the representative's party leader. This excused absence is not a leave with cause from a call of the House.

H50-20. Quorum. (1) A quorum of the House is fifty-one representatives (Montana Constitution, Art. V, Sec. 10).

(2) Any representative may question the lack of a quorum at any time a vote is not being taken. The question is nondebatable, may not be amended, and is resolved by a roll call.

(3) The House may not conduct business without a quorum, except that representatives present may convene, compel the attendance of absent representatives, or adjourn.

H50-30. Call of the House without a quorum. (1) In the absence of a quorum, a majority of the representatives present may compel the attendance of absent representatives through a call of the House without a quorum. The motion for the call is nondebatable, may not be amended, and is in order at any time it has been established that a quorum is not present.

(2) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.

(3) When a quorum has been achieved under the call, the

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1 call is automatically lifted. The call may also be lifted by
2 adjournment or by two-thirds of the representatives present and
3 voting.

4 **H50-40. Call of the House with a quorum.** (1) If a quorum is
5 present but at least one representative is excused or absent,
6 one-third of the representatives present and voting may order a
7 call of the House with a quorum.

8 (2) The motion for a call is nondebatable, may not be
9 amended, and is in order at any time a vote is not being taken,
10 except that a call of the House with a quorum is not allowed in
11 the Committee of the Whole.

12 (3) During a call of the House, all business is suspended.
13 No motion is in order except a motion to adjourn or to remove the
14 call.

15 (4) When all representatives are present, except those on
16 leave with cause, the call is automatically lifted. The call may
17 also be lifted by adjournment or by two-thirds of the
18 representatives present and voting.

19 **H50-50. Leave with cause during call of the House.** (1)
20 During a call of the House, a representative with an overriding
21 medical or personal reason may request a leave with cause.

22 (2) If the representative is present at the time of the
23 call, the Speaker may approve a request for a leave with cause.

24 (3) If the representative is not present at the time of the
25 call, two-thirds of the representatives present and voting may
26 approve a request for leave with cause.

27 (4) During a call of the House, a representative on leave

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1 with cause may not cast an absentee vote.

2 **H50-60. Opening and order of business.** The opening of each
3 legislative day must include an invocation, the pledge of
4 allegiance, and roll call. Following the opening, the order of
5 business of the House is as follows:

- 6 (1) communications and petitions;
- 7 (2) reports of standing committees;
- 8 (3) reports of select committees;
- 9 (4) messages from the Senate;
- 10 (5) messages from the Governor;
- 11 (6) first reading and commitment of bills;
- 12 (7) second reading of bills;
- 13 (8) third reading of bills;
- 14 (9) motions;
- 15 (10) unfinished business;
- 16 (11) special orders of the day; and
- 17 (12) announcement of committee meetings.

18 **H50-70. Motions.** (1) Any representative may propose a motion
19 allowed by the rules for the order of business under which the
20 motion is offered for the consideration of the House. Unless
21 otherwise specified in rule or law, a majority of representatives
22 voting is necessary and sufficient to decide a motion.

23 (2) Seconds to motions on the House floor are not required.

24 (3) Absentee votes are not allowed on votes that are
25 specified as "representatives present and voting".

26 (4) The majority leader shall make routine procedural
27 motions required to conduct the business of the House.

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1 **H50-80. Limits on debate of debatable motions.** (1) Except
2 for the representative who places a debatable motion before the
3 body, no representative may speak more than once on the question
4 unless a unanimous House consents. The representative who places
5 the motion may close.

6 (2) No representative may speak for more than 10 minutes on
7 the same question, except that a representative may have 5
8 minutes to close.

9 **H50-90. Nondebatable motions.** (1) A representative has the
10 right to understand any question before the House and, usually
11 under the administration of the presiding officer, may ask
12 questions to exercise this right.

13 (2) The following motions are nondebatable:

- 14 (a) to adjourn pursuant to H50-250;
15 (b) for a call of the House;
16 (c) to recess or rise;
17 (d) for parliamentary inquiry;
18 (e) to table or take from the table;
19 (f) to call for the previous question or cloture;
20 (g) to amend a nondebatable motion;
21 (h) to divide a question;
22 (i) to suspend the rules;
23 (j) all incidental motions, such as motions relating to
24 voting or of a general procedural nature; and
25 (k) to appeal a call to order;
26 (l) to question the lack of a quorum pursuant to H50-20; and
27 (m) to change a vote pursuant to H50-210.

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1 **H50-100. Questions.** A representative may, through the
2 presiding officer, ask questions of another representative during
3 a floor session. There is no limit on questions and answers,
4 except as provided in H20-50.

5 **H50-110. Amending motions -- limitations.** (1) A
6 representative may move to amend the specific provisions of a
7 motion without changing its substance.

8 (2) No more than one motion to amend a motion is in order
9 at any one time.

10 (3) A motion for a call of the House, for the previous
11 question, to table, or to take from the table may not be amended.

12 **H50-120. Substitute motions.** (1) When a question is before
13 the House, no substitute motion may be made except the following,
14 which have precedence in the order listed:

15 (a) to adjourn (nondebatable H50-90 and H50-250);

16 (b) for a call of the House (nondebatable H50-90);

17 (c) to recess or rise (nondebatable H50-90);

18 (d) for a question of privilege;

19 (e) to table (nondebatable H50-90);

20 (f) to call for the previous question or cloture;

21 (g) to postpone consideration to a day certain;

22 (h) to refer to a committee; and

23 (i) to propose amendments.

24 (2) Nothing in this section allows a motion that would not
25 otherwise be allowed under a particular order of business.

26 (3) (a) Except as provided in subsection (3)(b), no more
27 than one substitute motion is in order at any one time.

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1 (b) A motion for cloture is in order on a substitute motion
2 to amend.

3 **H50-130. Withdrawing motions.** A representative who proposes
4 a motion may withdraw it before it is voted on or amended.

5 **H50-140. Dividing a question.** Except as provided in
6 H40-180(3), a representative may request to divide a question as
7 a matter of right if it includes two or more propositions so
8 distinct that they can be separated and if at least one
9 substantive question remains after one substantive question is
10 removed. The request is nondebatable under H50-90. The
11 presiding officer may rule that a question is nondivisible. The
12 ruling of the chair may be appealed as provided in H50-160(16) or
13 (18) and H70-50. For an appeal of a ruling of the presiding
14 officer, the question for the house must be stated as, "Shall the
15 ruling of the chair be upheld".

16 **H50-150. Previous question -- close.** (1) If a majority of
17 representatives present and voting adopts a motion for the
18 previous question, debate is closed on the question and it must
19 be brought to a vote. The Speaker may not entertain a motion to
20 end debate unless at least one proponent and one opponent have
21 spoken on the question.

22 (2) Notwithstanding the passage of a motion to end debate,
23 the sponsor of the motion on which debate was ended may close.

24 **H50-160. Questions requiring other than a majority vote.** The
25 following questions require the vote specified for each
26 condition:

27 **100 House Members**

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1 (1) a motion to approve a bill to appropriate the principal
2 of the tobacco settlement trust fund pursuant to Article XII,
3 section 4, of the Montana Constitution (two-thirds);

4 (2) a motion to approve a bill to appropriate the principal
5 of the coal severance tax trust fund pursuant to Article IX,
6 section 5, of the Montana Constitution (three-fourths);

7 (3) a motion to approve a bill to appropriate highway
8 revenue, as described in Article VIII, section 6, of the Montana
9 Constitution, for purposes other than therein described
10 (three-fifths);

11 (4) a motion to approve a bill to authorize creation of
12 state debt pursuant to Article VIII, section 8, of the Montana
13 Constitution (two-thirds);

14 (5) a motion to appropriate the principal of the noxious
15 weed management trust fund pursuant to Article IX, section 6, of
16 the Montana Constitution (three-fourths);

17 (6) a motion to temporarily suspend a joint rule governing
18 the procedure for handling bills pursuant to Joint Rule 60-10(2)
19 (two-thirds).

20 **Members Present and Voting**

21 (1) a motion to override the Governor's veto pursuant to
22 H40-260 and Article VI, section 10(3), of the Montana
23 Constitution (two-thirds);

24 (2) a call of the House with a quorum pursuant to H50-40(1)
25 (one-third);

26 (3) a motion to lift a call of the House pursuant to
27 H50-30(3) or H50-40(4) (two-thirds);

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1 (4) a motion to rerefer a bill from one committee to
2 another pursuant to H40-80(1) (three-fifths);

3 (5) a motion to withdraw a bill from a committee pursuant
4 to H40-90 (three-fifths);

5 (6) a motion to add legislation to the second or third
6 reading agenda on that day pursuant to H40-130(2) (three-fifths);

7 (7) a motion to remove legislation from its normal progress
8 through the House as provided under H40-80(3) and reassign it
9 unless otherwise specifically provided by these rules, such as
10 H40-80(2) (three-fifths);

11 (8) a motion to change a vote pursuant to H50-210
12 (unanimous);

13 (9) a motion to call for cloture pursuant to H40-170(2)
14 (two-thirds);

15 ~~(10) a motion to take from the table in Committee of the~~
16 ~~Whole (three-fifths);~~

17 ~~(11)~~ (10) a motion to approve a bill conferring immunity
18 from suit as described in Article II, section 18, of the Montana
19 Constitution (two-thirds);

20 **~~Members Voting~~**

21 ~~(11)~~ (11) a motion to amend rules pursuant to H70-10(2) or
22 suspend rules pursuant to H70-30 (two-thirds);

23 ~~(12)~~ (12) a motion to overturn an adverse committee report
24 pursuant to H40-100(2) (three-fifths);

25 ~~(13)~~ (13) a motion to record a vote pursuant to H50-200(2)
26 (one representative);

27 ~~(14)~~ (14) a motion to record a vote in the journal (two

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representatives);

~~(5)~~(15) an appeal of the ruling of the presiding officer pursuant to H20-20(1) or H20-80(2) (three representatives);

~~(6)~~(16) a motion to speak more than once on a debatable motion pursuant to H50-80(1) (unanimous vote);

~~(7)~~(17) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee pursuant to H70-50 (15 representatives).

Entire Legislature

(1) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature).

H50-170. Reconsideration -- time restriction. (1) Any representative may, within 1 legislative day of a vote, move to reconsider the House vote on any matter still within the control of the House.

(2) A motion for reconsideration, unless tabled or replaced by a substitute motion, must be disposed of when made.

(3) When a motion for reconsideration fails, the question is finally settled. A motion for reconsideration may not be renewed or reconsidered.

(4) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the same rules.

(5) A motion for reconsideration is not in order on a vote to postpone to a day certain or to table legislation.

(6) There may be only one reconsideration vote on a

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1 specific issue on a legislative day.

2 **H50-180. Renewing procedural motions.** The House may renew a
3 procedural motion if further House business has intervened.

4 **H50-190. Tabling.** (1) Under Order of Business No. 9, a
5 representative may move to table any question, motion, or
6 legislation before the House except the question of a quorum or a
7 call of the House. The motion is nondebatable and may not be
8 amended.

9 (2) When a matter has been tabled, a representative may
10 move to take it from the table under Order of Business No. 9 on
11 any legislative day.

12 **H50-200. Voting -- conflict of interest -- present**
13 **electronically.** (1) The representatives shall vote to decide any
14 motion or question properly before the House. Each representative
15 has one vote.

16 (2) The House may, without objection, use a voice vote on
17 procedural motions that are not required to be recorded in the
18 journal. If a representative rises and objects, the House shall
19 record the vote.

20 (3) The House shall record the vote on all substantive
21 questions. If the voting system is inoperable, the Chief Clerk
22 shall record the representatives' votes by other means.

23 (4) A member who is present shall vote unless the member
24 has disclosed a conflict of interest to the House.

25 (5) A member may be present for a vote by electronic means.

26 **H50-210. Changing a vote -- consent required.** (1) A
27 representative may move to change the representative's vote

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1 within 1 legislative day of the vote. The motion is nondebatable.
2 The motion must be made on Order of Business No. 9, motions. All
3 of the members present and voting are required to consent to the
4 change in order for it to be effective.

5 (2) The representative making the motion shall first
6 specify the bill number, the question, and the original vote
7 tally. A vote may not be changed if it would affect the outcome
8 of legislation.

9 (3) A vote change must be entered into the journal as a
10 notation that the member's vote was changed. The original
11 printed vote will not be reprinted to reflect the change.

12 (4) An error caused by a malfunction of the voting system
13 may be corrected without a vote.

14 **H50-220. Absentee votes -- restrictions.** (1) An excused
15 representative may file an absentee vote authorization form to
16 vote during the excused absence on any vote for which absentee
17 voting is allowed.

18 (2) An excused representative shall sign an absentee vote
19 authorization form that specifies the motion and the desired
20 vote.

21 (3) The absentee vote authorization form must be handed in
22 at the rostrum by the party whip or designated representative
23 before voting on the motion has commenced.

24 (4) The absentee vote authorization may be revoked before
25 the vote by the member who signed the authorization.

26 (5) Absentee voting is not allowed on third reading or on
27 motions specified as present and voting pursuant to H50-70.

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H50-230. Recess. The House may stand at ease or recess under any order of business by order of the Speaker or a majority vote. The recess may be ended at the call of the chair or at a time specified.

H50-240. Adjournment for a legislative day. (1) A representative may move that the House adjourn for that legislative day. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

(2) A motion to adjourn for a legislative day must specify a date and time for the House to convene on the subsequent legislative day.

H50-250. Adjournment sine die. A Subject to Article V,
section 10(5) of the Montana Constitution, a representative may
move that the House adjourn for the session. The motion is
nondebatable and may be made under any order of business except
Order of Business No. 7.

CHAPTER 6

Motions

H60-10. Proposal for consideration. (1) Every question presented to the House or a committee must be submitted as a definite proposition.

(2) A representative has the right to understand any question before the House and, under the authority of the presiding officer, may ask questions to exercise this right.

H60-20. Nondebatable motions. The following motions, in addition to any other motion specifically designated, must be decided without debate:

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- 1 (1) to adjourn;
- 2 (2) for a call of the House;
- 3 (3) to recess or rise;
- 4 (4) for parliamentary inquiry;
- 5 (5) to table or to take from the table;
- 6 (6) to call for the previous question or for cloture;
- 7 (7) to amend a nondebatable motion;
- 8 (8) to divide a question;
- 9 (9) to suspend the rules; and
- 10 (10) all incidental motions, such as motions relating to
- 11 voting or of a general procedural nature.

12 **H60-30. Motions allowed during debate.** (1) When a
13 question is under debate, only the following motions are in
14 order. The motions have precedence in the following order:

- 15 (a) to adjourn;
- 16 (b) for a call of the House;
- 17 (c) to recess or rise;
- 18 (d) for a question of privilege;
- 19 (e) to table or take from the table;
- 20 (f) to call for the previous question or cloture;
- 21 (g) to postpone consideration to a day certain;
- 22 (h) to refer or rerefer; and
- 23 (i) to propose amendments.

24 (2) This section does not allow a motion that would not
25 otherwise be allowed under a particular order of business.

26 (3) Only one substitute motion is in order at any time.

27 **H60-40. Motions to adjourn or recess.** (1) A motion to

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1 adjourn or recess is always in order, except:

2 (a) when the House is voting on another motion;

3 (b) when the previous question has been ordered and before
4 the final vote;

5 (c) when a member entitled to the floor has not yielded for
6 that purpose; or

7 (d) when business has not been transacted after the defeat
8 of a motion to adjourn or recess.

9 (2) A motion to adjourn sine die pursuant to H50-250 is
10 subject to Article V, section 10(5) of the Montana Constitution.

11 ~~(2)~~(3) The vote by which a motion to adjourn or recess is
12 carried or fails is not subject to a motion to reconsider.

13 **H60-50. Motion to table.** (1) A motion to table, if
14 carried, has the effect of postponing action on the proposition
15 to which it was applied until superseded by a motion to take from
16 the table.

17 (2) ~~The~~ After a vote by which on a motion to table is
18 carried or fails the motion cannot be reconsidered.

19 (3) A motion to table is not in order after the previous
20 question has been ordered.

21 **H60-60. Motion to postpone.** A motion to postpone to a day
22 certain may be amended and is debatable within narrow limits. The
23 merits of the proposition that is the subject of the motion to
24 postpone may not be debated.

25 **H60-70. Motion to refer.** When a motion is made to refer a
26 subject to a standing committee or select committee, the question
27 on the referral to a standing committee must be put first.

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H60-80. Terms of debate on motion to refer or rerefer. (1)

A motion to refer or rerefer is debatable within narrow limits. The merits of the proposition that is the subject of the motion may not be debated.

(2) A motion to refer or rerefer with instructions is fully debatable.

H60-100. Moving the previous question after a motion to table. (1) If a motion to table is made directly to a main motion, a motion for the previous question is not in order.

(2) If an amendment to a main motion is pending and a motion to table is made, the previous question may be called on the main motion, the pending amendment, and the motion to table the amendment.

H60-110. Standard motions. The following are standard motions:

(1) moving House bills or resolutions on second reading, "Mister/Madam Chairman, I move that when this committee does rise and report after having under consideration House Bill ___, that it recommend the same (do pass)/(do pass as amended)/(do not pass)."

(2) moving Senate bills and Senate amendments to House bills, "Mister/Madam Chairman, I move that when this committee does rise and report after having under consideration Senate Bill ___/Senate amendments to House Bill ___, that it recommend the same (be concurred in)/(be not concurred in)."

(3) Committee of the Whole floor amendments, "Mister/Madam Chairman, I move that House Bill ___/Senate Bill ___ be amended

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1 and request that the amendment be posted and deemed read."

2 (4) introducing visitors, "Mister/Madam Speaker/Chairman, I
3 request that we be off the record and out of the journal."

4 (5) changing a vote, "Mister Speaker, I would like my vote
5 changed on House Bill ____/Senate Bill ____ from (yes/no) to
6 (yes/no). The question on the bill was () with a vote tally of
7 ____ for and ____ against."

8 (6) question another representative, "Mister/Madam
9 Speaker/Chairman, would Representative ____ yield to a question?"

10 CHAPTER 7

11 Rules

12 **H70-10. House rules -- amendment -- report timing.** (1) The
13 House may adopt, through a House resolution passed by a majority
14 of its members, rules to govern its proceedings.

15 (2) After adoption of the House rules, two-thirds of the
16 representatives voting must vote in favor of the question to
17 amend the rules.

18 (3) The Speaker shall refer to the House Rules Committee
19 all resolutions for House rules.

20 (4) The House Rules Committee shall report all resolutions
21 for House rules within 1 legislative day of referral.

22 **H70-20. Tenure of rules.** Rules adopted by the House remain
23 in effect until removed by House resolution or until a new House
24 is elected and takes office.

25 **H70-30. Suspension of rules.** The House may suspend a House
26 rule on a motion approved by not less than two-thirds of the
27 members voting.

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H70-40. **Supplementary rules.** Mason's Manual of Legislative Procedure (2000) governs House proceedings in all cases not covered by House rules.

H70-60. Joint rules superseded. A House rule, insofar as it relates to the internal proceedings of the House, supersedes a joint rule.

(1) Except as provided in subsections (2) through (4), legislation dealing with an enumerated subject must be referred to a standing committee as follows:

Appropriations: Appropriations for the Legislature, general government, and bonding, including supplemental appropriations and the coal severance tax.

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1 partnerships; private sector pensions and pension plans;
2 professions and occupations other than the practice of law;
3 salaries and wages; sales; secured transactions; securities
4 regulation other than criminal provisions; sports other than
5 hunting, fishing, and competition water sports; trade regulation;
6 unemployment insurance; the Uniform Commercial Code; and workers'
7 compensation.

8 **Education:** Higher education; home schools; K-12 education;
9 religion in schools; school buildings and other structures;
10 school libraries and university system libraries; school safety;
11 school sports; school staff other than teachers; school
12 transportation; students; teachers; and vocational education and
13 training.

14 **Ethics:** Ethical standards applicable to members, officers,
15 and employees of the House and ethical standards for lobbyists.

16 **Federal Relations, Energy, and Telecommunications:** Energy
17 generation and transmission; Indian reservations; international
18 relations; interstate cooperation and compacts, except those
19 relating to law enforcement and water compacts; relations with
20 the federal government; relations with sovereign Indian tribes;
21 telecommunications; and utilities other than municipal utilities.

22 **Fish, Wildlife, and Parks:** Fish; fishing; hunting; outdoor
23 recreation; parks other than those owned by local governments;
24 relations with federal and state governments concerning fish and
25 wildlife; Virginia City and Nevada City; water sports; and
26 wildlife.

27 **Human Services:** Developmentally disabled persons; disabled

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1 persons; health; health and disability insurance; housing; human
2 services; mental illness or incapacity; retirement other than
3 pensions and pension plans; senior citizens; tobacco regulation
4 other than taxation; and welfare.

5 **Judiciary:** Abortion; arbitration and mediation; civil
6 procedure; constitutional amendments; consumer protection;
7 contracts; corrections; courts; criminal law; criminal procedure;
8 discrimination; evidence; family law; fees imposed by or relating
9 to the court system; guaranty; human rights; impeachment;
10 indemnity; judicial system; landlord and tenant; law enforcement;
11 liability and immunity from liability; minors; practice of law;
12 privacy; property law; religion other than in schools; state law
13 library; surety; torts; and trusts and estates.

14 **Legislative Administration:** Interim committees and matters
15 related to legislative administration, staffing patterns,
16 budgets, equipment, operations, and expenditures.

17 **Local Government:** Cities; consolidated governments;
18 counties; libraries and parks owned or operated by local
19 governments; local development; local government finance and
20 revenue; local government officers and employees, local planning;
21 special districts and other political subdivisions, except school
22 districts; towns; and zoning.

23 **Natural Resources:** Board of Land Commissioners; dams, except
24 for electrical generation; emission standards; environmental
25 protection; extractive activities; fires and fire protection,
26 except for a local government fire department; forests and
27 forestry; hazardous waste; mines and mining; natural gas; natural

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1 resources; oil; pollution; solid waste; state land, except state
2 parks; water and water rights; water bodies and water courses;
3 and water compacts.

4 **Rules:** House rules; joint rules; legislative procedure;
5 jurisdictions of committees; and rules of decorum.

6 **State Administration:** Administrative rules; arts and
7 antiquities; ballots; elections; initiative and referendum
8 procedures; military affairs; public contracts and procurement;
9 public employee retirement systems; state buildings; state
10 employees; state employee benefits; state equipment and property,
11 except state lands and state parks; state government generally;
12 state-owned libraries other than the state law library; veterans;
13 and voting.

14 **Taxation:** Taxes other than fuel taxes.

15 **Transportation:** Fuel taxes; highways; railroads; roads;
16 traffic regulation; transportation generally; vehicles; and
17 vehicle safety.

18 (2) If a select committee is created to address a specific
19 subject, then bills relating to that subject must be assigned to
20 the select committee.

21 (3) (a) If legislation deals with more than one subject and
22 the subjects are assigned to more than one committee, the bill
23 must be assigned to a class one committee before a class two
24 committee and to a class two committee before a class three
25 committee. If there is a conflict of subjects between the same
26 class of committees, then the bill must be assigned by the
27 Speaker.

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1 (b) If a bill contains substantive provisions dealing with
2 policy and an appropriation, the bill must be referred to the
3 committee with jurisdiction over the subject addressed in the
4 policy provisions. If the bill is reported from the committee to
5 which it was assigned, the Speaker may rerefer the bill to the
6 Appropriations Committee. The referral must be announced to the
7 House. The rereferral does not require action or approval by the
8 House, but may be overturned by a majority vote.

9 (4) If a committee chair upon consultation with the vice
10 chair determines that the committee cannot effectively process
11 all bills assigned to the committee because of time limitations,
12 the chair shall, in writing, request the Speaker to reassign
13 specific bills. The Speaker shall reassign the bills to an
14 appropriate committee. The reassignments must be announced to the
15 House. The reassignments do not require action or approval by the
16 House, but may be overturned by a three-fifths vote.

17
18 - END -

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